

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SARAH HEINZL, individually and on
behalf of all others similarly situated,

Plaintiff,

vs

CRACKER BARREL OLD COUNTRY
STORE, INC.,

Defendant.

Civil Action No. 2:14-cv-1455

ORDER

AND NOW, this 29th day of April, 2016, after the Plaintiff, Sarah Heinzl, filed an action in the above-captioned case, and after a motion for summary judgment was submitted by the Defendant, Cracker Barrel Old Country Store, Inc., and after a motion to certify class was submitted by the Plaintiff, and after these motions were fully briefed and a hearing was held on the motion to certify class, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the Defendant, the response to those objections filed by the Plaintiff and the reply brief filed by the Defendant, and upon independent, *de novo* review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 113), which is adopted as the Opinion of this Court except to the extent modified by this Order,

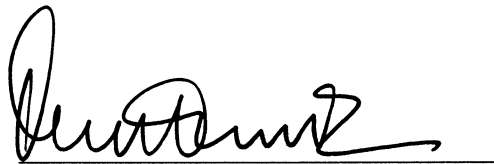
IT IS ORDERED that Defendant's motion for summary judgment (ECF No. 64) is denied.

IT IS FURTHER ORDERED Plaintiff's motion to certify class (ECF No. 103) is granted and the following class is certified:

All persons with qualified mobility disabilities who were denied the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of any Cracker Barrel store location in the United States on the basis of disability because such persons encountered accessibility barriers due to Cracker Barrel's failure to comply with the ADA's accessible parking and path of travel requirements.

IT IS FURTHER ORDERED that Sarah Heinzl is appointed as the representative Plaintiff for this Class and that the law firm of Carlson Lynch Sweet & Kilpela, LLP is appointed as counsel for the Class.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Mark R. Hornak', written over a horizontal line.

Mark R. Hornak
United States District Judge